

COMMITTEE ON NATURAL RESOURCES AND PUBLIC SAFETY

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1029

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 6-904, Arizona Revised Statutes, is amended to
3 read:

4 6-904. Issuance of license; renewal; inactive status; branch
5 office license; application; fee

6 A. The superintendent, on determining that the applicant is qualified
7 and has paid the fees, shall issue a mortgage broker's license to the
8 applicant which is evidenced by a continuous certificate. The superintendent
9 shall grant or deny a license within one hundred twenty days after receipt of
10 the completed application and fees. An applicant who has been denied a
11 license may not reapply for such a license before one year from the date of
12 the previous application.

13 B. FOR LICENSES APPROVED ON OR BEFORE SEPTEMBER 30, 2008, a licensee
14 shall pay the renewal fee on or before September 30, 2008 AND ON OR BEFORE
15 DECEMBER 31 FOR SUBSEQUENT YEARS BEGINNING ON OR BEFORE DECEMBER 31, 2009.
16 Licenses not renewed by September 30, 2008 are suspended, and the licensee
17 shall not act as a mortgage broker until the license is renewed or a new
18 license is issued pursuant to this article. A person may renew a suspended
19 license by paying the renewal fee plus twenty-five dollars for each day after
20 September 30, 2008 that a license renewal fee is not received by the
21 superintendent and making application for renewal as prescribed by the
22 superintendent. Licenses which are not renewed by October 31, 2008 expire.
23 A license shall not be granted to the holder of an expired license except as
24 provided in this article for the issuance of an original license.

25 C. FOR LICENSES APPROVED on or before September 30, 2008, a licensee
26 may request inactive status ON OR BEFORE SEPTEMBER 30, 2008 for the following
27 license year, and the license shall be placed on inactive status after
28 payment to the superintendent of the inactive status renewal fee prescribed
29 in section 6-126, subsection C and the surrender of the license to the
30 superintendent. During inactive status, an inactive licensee is not required

1 to maintain a bond and shall not act as a mortgage broker. A licensee may
2 not be on inactive status for more than two consecutive years, nor for more
3 than four years in any ten year period. The license is deemed expired on
4 violation of any of the limitations of this subsection.

5 D. FOR LICENSES APPROVED AFTER OR RENEWED ON SEPTEMBER 30, 2008, A
6 LICENSEE SHALL PAY THE RENEWAL FEE ON OR BEFORE DECEMBER 31, 2009 AND ON OR
7 BEFORE DECEMBER 31 OF EACH SUBSEQUENT YEAR. LICENSES NOT RENEWED BY DECEMBER
8 31 ARE SUSPENDED, AND THE LICENSEE SHALL NOT ACT AS A MORTGAGE BROKER UNTIL
9 THE LICENSE IS RENEWED OR A NEW LICENSE IS ISSUED PURSUANT TO THIS ARTICLE.
10 A PERSON MAY RENEW A SUSPENDED LICENSE BY PAYING THE RENEWAL FEE PLUS
11 TWENTY-FIVE DOLLARS FOR EACH DAY AFTER DECEMBER 31 THAT A LICENSE RENEWAL FEE
12 IS NOT RECEIVED BY THE SUPERINTENDENT AND APPLYING FOR RENEWAL AS PRESCRIBED
13 BY THE SUPERINTENDENT. A LICENSE THAT IS NOT RENEWED BY JANUARY 31 EXPIRES.
14 A LICENSE SHALL NOT BE GRANTED TO THE HOLDER OF AN EXPIRED LICENSE EXCEPT AS
15 PROVIDED IN THIS ARTICLE FOR THE ISSUANCE OF AN ORIGINAL LICENSE.

16 E. FOR LICENSES APPROVED AFTER OR RENEWED ON SEPTEMBER 30, 2008,
17 BEGINNING IN 2009 AND EACH SUBSEQUENT YEAR, A LICENSEE MAY REQUEST INACTIVE
18 STATUS FOR THE FOLLOWING LICENSE YEAR IF THE LICENSEE MAKES THE REQUEST ON OR
19 BEFORE DECEMBER 31. THE LICENSE SHALL BE PLACED ON INACTIVE STATUS AFTER THE
20 LICENSEE PAYS TO THE SUPERINTENDENT THE INACTIVE STATUS RENEWAL FEE
21 PRESCRIBED IN SECTION 6-126, SUBSECTION C AND SURRENDERS THE LICENSE TO THE
22 SUPERINTENDENT. DURING INACTIVE STATUS, AN INACTIVE LICENSEE IS NOT REQUIRED
23 TO MAINTAIN A BOND AND SHALL NOT ACT AS A MORTGAGE BROKER. A LICENSEE MAY
24 NOT BE ON INACTIVE STATUS FOR MORE THAN TWO CONSECUTIVE YEARS OR FOR MORE
25 THAN FOUR YEARS IN ANY TEN YEAR PERIOD. THE LICENSE EXPIRES ON VIOLATION OF
26 THIS SUBSECTION.

27 ~~D.~~ F. An inactive licensee may return to active status
28 notwithstanding the requirements of section 6-903, subsection B by making a
29 written request to the superintendent for reactivation and paying the
30 prorated portion of the annual assessment that would have been charged to the
31 licensee. The licensee shall also provide the superintendent with proof that
32 the licensee meets all of the other requirements for acting as a mortgage
33 broker, including required bond coverage or the deposit of a cash
34 alternative.

1 B. FOR LICENSES APPROVED ON OR BEFORE MARCH 31, 2009, a licensee shall
2 make an application and pay the renewal fee set forth in section 6-126 on or
3 before March 31, 2009 but not sooner than February 1, ~~of each year~~ 2009 AND
4 ON OR BEFORE DECEMBER 31 FOR SUBSEQUENT YEARS BEGINNING IN 2009. Licenses
5 not renewed by March 31, 2009 are suspended, and the licensee shall not act
6 as a mortgage banker until ~~his~~ THE license is renewed or a new license is
7 issued pursuant to this article. A person may renew a suspended license by
8 paying the renewal fee plus twenty-five dollars for each day after March 31,
9 2009 that a license renewal fee is not received by the department and making
10 application for renewal as prescribed by the superintendent. Licenses which
11 are not renewed by April 30, 2009 expire. A license shall not be granted to
12 the holder of an expired license except as provided in this article for the
13 issuance of an original license.

14 C. FOR LICENSES APPROVED AFTER OR RENEWED ON MARCH 31, 2009, A
15 LICENSEE SHALL PAY THE RENEWAL FEE ON OR BEFORE DECEMBER 31, BEGINNING IN
16 2009. LICENSES NOT RENEWED BY DECEMBER 31 ARE SUSPENDED, AND THE LICENSEE
17 SHALL NOT ACT AS A MORTGAGE BANKER UNTIL THE LICENSE IS RENEWED OR A NEW
18 LICENSE IS ISSUED PURSUANT TO THIS ARTICLE. A PERSON MAY RENEW A SUSPENDED
19 LICENSE BY PAYING THE RENEWAL FEE PLUS TWENTY-FIVE DOLLARS FOR EACH DAY AFTER
20 DECEMBER 31 THAT A LICENSE RENEWAL FEE IS NOT RECEIVED BY THE SUPERINTENDENT
21 AND APPLYING FOR RENEWAL AS PRESCRIBED BY THE SUPERINTENDENT. LICENSES THAT
22 ARE NOT RENEWED BY JANUARY 31 EXPIRE. A LICENSE SHALL NOT BE GRANTED TO THE
23 HOLDER OF AN EXPIRED LICENSE EXCEPT AS PROVIDED IN THIS ARTICLE FOR THE
24 ISSUANCE OF AN ORIGINAL LICENSE.

25 ~~C.~~ D. A licensee shall prominently display the mortgage banker
26 license in the office of the mortgage banker.

27 ~~D.~~ E. Every licensed mortgage banker shall designate and maintain a
28 principal place of business in this state for the transaction of business.
29 The license shall specify the address of ~~his~~ THE principal place of business.
30 If a licensee wishes to maintain one or more locations in addition to a
31 principal place of business, ~~he~~ THE LICENSEE shall first obtain a branch
32 office license from the superintendent and designate a person for each branch
33 office to oversee the operations of that office. The licensee shall submit a
34 fee as prescribed in section 6-126 for each branch office license. If the
35 superintendent determines that the applicant is qualified, the superintendent

1 shall issue a branch office license indicating the address of the branch
2 office. The licensee shall conspicuously display the branch office license
3 in the branch office. If the address of the principal place of business or
4 of any branch office is changed, the licensee shall notify the superintendent
5 before the change and the superintendent shall endorse the change of address
6 on the license for a fee as prescribed in section 6-126.

7 Sec. 3. Section 6-980, Arizona Revised Statutes, is amended to read:

8 6-980. Annual renewal; expiration on failure to renew

9 A. FOR LICENSES APPROVED ON OR BEFORE MARCH 31, 2009:

10 1. Licenses that are not renewed by March 31, 2009 are suspended, and
11 the licensee shall not act as a commercial mortgage banker until the license
12 is renewed or a new license is issued pursuant to this article.

13 ~~B.~~ 2. A person may renew a suspended license by making an application
14 for renewal as prescribed by the superintendent.

15 ~~C.~~ 3. Licenses that are not renewed by April 30, 2009 expire. A
16 license shall not be granted to the holder of an expired license except as
17 provided in this article for issuing an original license.

18 B. FOR LICENSES APPROVED AFTER OR RENEWED ON MARCH 31, 2009:

19 1. IF A LICENSE IS NOT RENEWED BY DECEMBER 31, 2009 AND BY DECEMBER 31
20 OF EACH SUBSEQUENT YEAR, THE LICENSE IS SUSPENDED. THE LICENSEE SHALL NOT
21 ACT AS A COMMERCIAL MORTGAGE BANKER UNTIL THE LICENSE IS RENEWED OR A NEW
22 LICENSE IS ISSUED PURSUANT TO THIS ARTICLE.

23 2. A PERSON MAY RENEW A SUSPENDED LICENSE BY APPLYING FOR RENEWAL AS
24 PRESCRIBED BY THE SUPERINTENDENT.

25 3. LICENSES THAT ARE NOT RENEWED BY JANUARY 31 EXPIRE. A LICENSE
26 SHALL NOT BE GRANTED TO THE HOLDER OF AN EXPIRED LICENSE EXCEPT AS PROVIDED
27 IN THIS ARTICLE FOR ISSUING AN ORIGINAL LICENSE.

28 Sec. 4. Section 6-981, Arizona Revised Statutes, is amended to read:

29 6-981. Inactive status

30 A. FOR LICENSES APPROVED on or before March 31, 2009, a licensee may
31 request inactive status for the following license year, and the license shall
32 be placed on inactive status after surrendering the license to the
33 superintendent.

34 B. FOR LICENSES APPROVED AFTER OR RENEWED ON MARCH 31, 2009, A
35 LICENSEE MAY REQUEST INACTIVE STATUS ON OR BEFORE DECEMBER 31 OF EACH YEAR

1 FOR THE FOLLOWING LICENSE YEAR, AND THE LICENSE SHALL BE PLACED ON INACTIVE
2 STATUS AFTER SURRENDERING THE LICENSE TO THE SUPERINTENDENT.

3 ~~B.~~ C. During inactive status, an inactive licensee is not required to
4 maintain a bond and shall not act as a commercial mortgage banker.

5 ~~C.~~ D. A licensee may not be on inactive status for more than two
6 consecutive years or for more than four years in any ten year period. The
7 license is deemed expired on violation of any of the limitations of this
8 subsection.

9 ~~D.~~ E. An inactive licensee may return to active status
10 notwithstanding section 6-973, subsection D by making a written request to
11 the superintendent for reactivation. The licensee shall also provide the
12 superintendent with proof that the licensee meets all of the other
13 requirements for acting as a commercial mortgage banker, including required
14 bond coverage or the deposit of a cash alternative."

15 Amend title to conform

and, as so amended, it do pass

JERRY P. WEIERS
Chairman

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4/9/08
H:jjb